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5
6 Counsel for Defendants

Hon. William L. Dwyer

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON

10 OREGON NATURAL RESOURCES COUNCIL)
ACTION, et al.,)

Civ. No. C98-0942WD

11)
12 Plaintiffs,)

13 v.)

STIPULATION FOR
MODIFICATION OF
PRELIMINARY INJUNCTION;
ORDER THEREON

14 UNITED STATES FOREST SERVICE and)
BUREAU OF LAND MANAGEMENT,)

15 Defendants,)

16 and)

17 LONE ROCK TIMBER CO., SENECA SAW-)
MILL COMPANY, FRERES LUMBER CO.,)
18 INC. and HAMPTON TREE FARMS, INC.,)

19 Defendant-Intervenors)
20

21 COMES NOW Defendants, Defendant-Intervenors, and Plaintiffs who move this Court to
22 modify its ORDER ON ADDITIONAL MOTIONS RE PRELIMINARY INJUNCTION of
23 August 26, 1999, to allow the purchasers of certain timber sales enjoined by that Order to
24 continue certain operations that are necessary to avoid potentially adverse environmental effects
25 of previous land management activities, particularly erosion and sedimentation, and to complete
26 certain limited operations that the parties believe will not adversely affect any of the survey and

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1 manage species that are the subject of this Court's Order.

2 WHEREFORE, Plaintiffs, Defendants and Defendant-Intervenors move this Court to
3 allow the operation of timbers sales specified as follows:

4 1) Deer Morn - haul decked timber (approximately 8,000 board-feet) in unit 33-1 and 33-
5 2. construct water bars, remove debris blocking culverts. Defendant or the timber sale operator
6 will provide Plaintiffs' undersigned attorney with 3 business days' advance notice of the hauling
7 of decked logs, and Plaintiffs shall be permitted two observers of this hauling. Hauling activities
8 will be restricted from November 1, 1999, to May 1, 2000.

9 2) Bald Elk - rock roads, construct water bars, reseed soil, reshape cut banks, remove
10 debris blocking culverts.

11 3) Beegum Rock - haul decked timber a road FR 28N10M and construct water bars.

12 4) Carberry Creek - haul decked timber in unit 19, complete water bars and grading on
13 roads 1000 400 and 1035 700, complete road maintenance (grading, culvert cleaning, slash
14 removal and re-establish drainage) on roads 1000 400, 410, 440 and 1035 402, 520, 521, install
15 water bars and block roads 1035 700 and 1000 402, hand pile and cover slash in units 10, 11, 13-
16 19; pile landing slash where yarding is complete (units 1-15 and 17-19).

17 5) Too Wild - yard and haul felled timber from units 2 and 16; haul decked timber from
18 outside of units 2 and 16 (approximately 18 truckloads); waterbar, seed and mulch tractor skid
19 trails in unit 2; obliterate, seed and mulch temporary road in unit 2; slash piling, scarify, seed and
20 mulch on 4 landings in unit 2; install 6 waterbars and gate on road 3318202; scarify, seed and
21 mulch temporary road in unit 16; slash piling, scarify, seed and mulch on 10 landings in unit 16;
22 install waterbars on roads 33182280 and 3313282 (16 waterbars in total) and install gate on road
23 3318280.

24 6) Prairie Fence - haul felled timber in unit 26, construct water bars, reseed soil on
25 temporary road in unit 26.

26 7) Jack Heli - helicopter yard and haul felled timber in units 44, 53, 57, 100 and 103,

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1 construct water bars, reseed soil, reshape cut banks, remove debris blocking culverts (from
2 November 1, 1999, to May 1, 2000, yarding activities shall be limited to helicopter transport and
3 hauling shall not occur on non-paved Forest Service roads).

4 8) Happy Thin - yard and haul felled timber in units 1, 4, 5, 6, 7, 8, 10, 11, 13, 14, and 15,
5 rock roads (FR 28N10M and 29N40A), construct water bars, reseed soil, reshape cut banks,
6 remove debris blocking culverts (from November 1, 1999, to May 1, 2000, yarding activities
7 shall be limited to helicopter transport and hauling shall not occur on non-paved Forest Service
8 roads).

9 9) Rhody - yard and haul felled timber in units 16 and 20, rock roads (19, 1928, 1930,
10 1934, 1934-746, 1934-747, 1934-745), construct water bars, reseed soil, blading and shaping, cut
11 bank stabilization, remove debris blocking culverts, construct hand firelines (units 26, 27 and 29)
12 and cleanup landing slash (unit 16).

13 The parties further agree:

14 1) The Defendants, the Defendant-Intervenors and the individual companies on whose
15 behalf Defendant-Intervenors have presented information or argument to the Court have not
16 waived or limited in any way their right to file a motion with the Court for further modification
17 of, or relief from all or part of, the injunctions currently pending in this case.

18 2) Nothing in this stipulation alters, reduces, compromises or waives any claim a
19 contract-holder may have against the Forest Service or Bureau of Land Management arising from
20 the injunctions in this case or other actions relating to this case.

21 3) Nothing in this stipulation requires, orders, or directs that any of the authorized actions
22 shall occur.

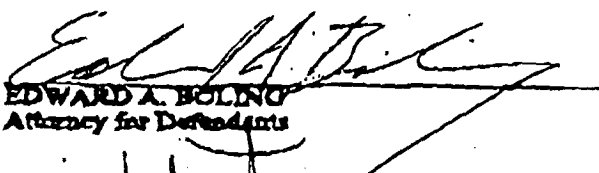
23 4) A contract holder is not required to take an action authorized in this stipulation (such
24 as road work) in circumstances where related actions under the contract (such as falling, logging
25 or yarding of timber) remain enjoined if the contract-holder believes the authorized action by
26 itself is not economical or reasonable while the related actions are enjoined.

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1 DATED this 23rd day of September, 1999.

2 Respectfully submitted.

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5 EDWARD A. BOLINO
6 Attorney for Defendants

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8 
9 MARK C. RUTZICK
10 Attorney for Defendant-Intervenor

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12 MICHAEL ASHORE
13 Attorney for Plaintiff

14 IT IS SO ORDERED.

15 DATED this ____th day of ____, 1999.

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18 William L. Dwyer
19 United States District Court Judge.

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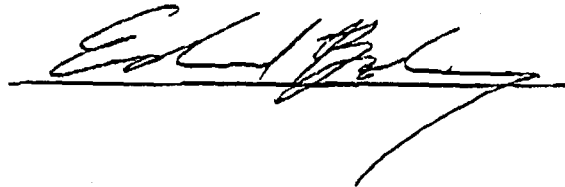
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CERTIFICATE OF SERVICE

I, Edward J. Kelly, hereby certify that on this 24th day of September, 1999, I caused a copy of the foregoing STIPULATION FOR MODIFICATION OF PRELIMINARY INJUNCTIONS; ORDER THEREON to be served by fax on:

Michael Axline
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97401
(FAX: 541-485-2457)

Mark C. Rutzick
Koin Center, Ste. 1600
222 S.W. Columbia St.
Portland, OR 97201
(FAX: 503-243-2717)

A handwritten signature in dark ink, appearing to read "Edward J. Kelly", is written over a horizontal line.